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No. [redacted] 78

In the Supreme Court of the United States

October Term, 1929.

MARSHALL L. MOTT, *Petitioner,*

vs.

UNITED STATES OF AMERICA, *Respondent.*

On Writ of Certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

Motion to Advance Said Cause for Hearing.

CHAS. B. ROGERS,
Attorney for Petitioner.

IN THE SUPREME COURT OF THE UNITED STATES.

October Term, 1929.

No. 810

MARSHALL L. MOTT, *Petitioner,*

vs.

UNITED STATES OF AMERICA, *Respondent.*

On Writ of Certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

MOTION TO ADVANCE SAID CAUSE FOR HEARING.

Comes now Marshall L. Mott, petitioner, and moves the court herein to advance this cause for argument and submission immediately following cause No. 530, *United States of America* v. *Equitable Trust Company, et al.*, and that said causes be considered together.

This motion is based upon the fact that cause No. 530, aforesaid, involves a question of the authority and propriety of the District Court in entering an order therein awarding to Bailey, next friend, and his counsel, compensation

and attorneys' fees aggregating approximately $190,000.00 out of the funds described in the original action as "restricted moneys of Jackson Barnett." The determination of this issue involves a determination by this court of whether or not the Secretary of the Interior had authority and discretionary power to approve a written request of said Indian to transfer to said trust company said funds under a stipulation wherein Jackson Barnett donated $550,000.00 to the American Baptist Home Mission Society, to be placed in trust, the income from which during his life was to be paid, to the extent of $20,000.00 per year, to the Superintendent of the Five Civilized Tribes, for the use and benefit of said Indian.

That the case at bar involves the question of the authority and discretionary power of the Secretary of the Interior to approve a written request of said Jackson Barnett to transfer and deliver to Anna Laura Barnett, the lawful wife of Jackson Barnett, the sum of $550,000.00, to be her unrestricted property coupled with a promise on the part of said wife to immediately place in trust $200,000.00 of said funds, the income from which during his life, to the extent of $7500.00 per annum, was to be paid direct to said Jackson Barnett.

That the written request above referred to and the action thereon by the Secretary, in both instances, was on single transaction consummated at the same time.

Respectfully submitted,

CHAS. B. ROGERS,
Attorney for Petitioner.

